

REMARKS

Applicant submits this Amendment in reply to the Office Action mailed August 6, 2008.

Claims 1-14 and 16 are pending in this application. The Applicant has amended these claims to further clarify the invention. No new subject matter was added with these amendments. Claims 1-14 and 16 remain pending in this application following the above amendments.

The Office Action rejected claims 1-14 and 16 under 35 U.S.C. § 112, second paragraph. The Office Action also rejected claims 1-14 and 16 under 35 U.S.C. § 103(a), as allegedly being anticipated by U.S. Patent No. 4,863,386 to Hehl ("Hehl '386") in view of U.S. Patent No. 5,007,816 to Hehl ("Hehl '816"), or in view of Hehl '816 in further view of U.S. Patent No. 5,622,737 to Hehl ("Hehl '737").

Rejections Based on 35 U.S.C. § 112

In the Office Action, claims 1-14 and 16 were rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to claim the subject matter on which applicants regards as the invention. Without necessarily agreeing with the Office Action's characterizations of these claims, Applicant has amended these claims in order to expedite prosecution of this matter. In light of the amendments, Applicant submits that the rejections based on § 112 are moot. For at least these reasons, Applicant respectfully requests withdrawal of the Section 112 rejections of claims 1-14 and 16.

Rejection Under 35 U.S.C. § 103(a)

On pages 15-23 of the Office Action, claims 1-14 and 16 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No.

4,863,386 to Hehl ("Hehl '386") in view of U.S. Patent No. 5,007,816 to Hehl ("Hehl '816"), or in view of Hehl '816 in further view of U.S. Patent No. 5,622,737 to Hehl ("Hehl '737").

While the Applicant does not necessarily agree with the Office Action's characterization, the Applicant has amended independent claims 1, 9, and 13 to recite "wherein the rear section further comprises a vertical adjustable support." This amendment presents no new subject matter and is included to further clarify the invention of the pending application. (*See, e.g.*, Specification at 6, lines 9-12). Claims 2-8, 10-12, 14, and 16 all depend from one of independent claims 1, 9, and 13. In view of the amendments to claims 1, 9, and 13, the Applicant respectfully submits that the rejections of claims 1-14 and 16 under § 103(a) are moot and should be withdrawn.

The claimed prior art references do not disclose the claimed invention. As one example, the prior art references do not include at least a rear section that comprises a vertical adjustable support. Hehl '368 does not include a rear section. While it may include a description of vertical adjustability of the injection unit, it does not include any disclosure of a rear section with a vertical adjustable support as claimed in the present invention.

Neither Hehl '816 nor Hehl '737 discloses such a support. Nor does the Office Action rely on these patents for such a teaching. The Office Action appears to rely on Hehl '737 essentially for the disclosure of a servo motor and/or spindle overdrive. Therefore, the Office Action relies upon Hehl '368 and Hehl '816 for the other limitations, including the rear section with a vertical adjustable support. These two patents, alone or in combination, do not disclose such a structure. As discussed above,

Hehl '368 does not include a rear section. Combining Hehl '368 with Hehl '816 would not result in the invention disclosed and claimed in the pending application because there is no rear section with a vertical adjustable support.

For at least these reasons, Applicant respectfully requests withdrawal of the rejections under § 103(a).


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: November 4, 2008

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